



May 20, 2022

Hon. Rebecca B. Smith
Judge, United States District Court
Eastern District of Virginia
600 Granby Street
Norfolk, Virginia 23510

Re: OceanGate Expeditions, Ltd.'s 2022 *Titanic* Survey Expedition

Dear Judge Smith:

I write to update the Court on the upcoming OceanGate Expeditions, Ltd.'s ("OceanGate") 2022 *Titanic* Survey Expedition. Like last year, the expedition will consist of a series of five photographic and scientific survey "missions" conducted to the wreck site of the *R.M.S. Titanic* during the summer of 2022. Each eight-day mission will begin and end in St. John's, Newfoundland, Canada, with three days spent transiting to and from the wreck site, and an average of five days spent at the wreck site conducting scientific testing and submersible diving operations.

All activities will be conducted in accordance with the precedent set by the United States Court of Appeals for the Fourth Circuit in *R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943, 969-71 (4th Cir.), *cert. denied*, 528 U.S. 825 (1999), and the National Oceanic and Atmospheric Administration's Guidelines for Research, Exploration and Salvage of *RMS Titanic*. OceanGate has no intention of disturbing the *R.M.S. Titanic* or interfering with R.M.S. Titanic, Inc.'s ("RMST") rights as salvor-in-possession, or of violating this Court's orders with respect thereto. Every effort will be made to avoid contact with the wreck itself, and no artifacts or scientific samples will be collected from the wreck itself. However, this year the expedition does plan to take free floating water samples throughout the water column and on the bottom, as part of OceanGate's scientific efforts to collect environmental DNA in conjunction with its partners at the University of North Carolina and University of Edinburgh. The science plan is in the appendix attached hereto.

A. Overview

The *Titanic* Survey Expedition was conceived, created and is managed by OceanGate Expeditions, Ltd., a Bahamian Corporation. OceanGate Expeditions has an exclusive contract with OceanGate, Inc. for the charter of the Bahamian-registered submersible *Titan*, its support equipment and operations personnel, to conduct dives to explore wreck and wreck site of the

Titanic. *Titan* is a Cyclops-class manned submersible designed to take five people to depths to 4,000 meters (13,123 feet) for site survey and inspection, research and data collection, film and media production. See <https://oceangate.com/our-subs/titan-submersible.html>.

For the 2022 *Titanic* Survey Expedition, OceanGate will again utilize the 93.6-meter/307-foot offshore supply vessel *Horizon Arctic*, owned by Canadian-based Horizon Maritime. See <https://oceangateexpeditions.com/blog/horizon-arctic>. The ship and crew proved to be outstanding in 2021, and we look forward to partnering with them again.

Any ballast dropped by the submersible will be done well clear of the wreck and debris field, as near as possible to or within the coordinates listed in IMO MEPC.1/Circ.779. No additional material (plaques, memorial, flowers, etc.) will be deposited on or near the wreck itself. No black water or grey water will be discharged within 15 nautical miles of the wreck site.

As he did last year, Commander Paul Henri Nargeolet will join the expedition as a guest of OceanGate. While we understand Cmdr. Nargeolet is a consultant to RMST, he will not be serving as a representative of RMST on board the expedition, and nor did he do so last year. There is no relationship between RMST and OceanGate, and any representations that state or imply otherwise are incorrect.

Similarly, as I did last year, I will join the expedition to serve as a legal and logistical advisor to OceanGate. Although I have previously represented RMST in matters before Your Honor and Judge Clarke, I have no relationship with RMST.

B. Science and Media Plan

OceanGate plans to add new 4K and the first ever 8K videos to its publicly available library of videos of the wreck and wreck site. The sub has improved cameras and lights this year, and it will again capture the best images possible of the wreck and debris field.

OceanGate's videos from last year's expedition have cumulatively been viewed over 1.2 million times on OceanGate Expedition's YouTube channel alone (https://www.youtube.com/channel/UC8wtDnLKZGnC_7OKDrDeMTw). OceanGate also has conducted extensive educational and media presentations since last summer. This year, OceanGate is excited to present the first ever live broadcasts from a *Titanic* expedition made purely for educational purposes. OceanGate is collaborating with Varsity Tutors (<https://www.varsitytutors.com/>) to produce two live broadcasts of educational classes from the *Horizon Arctic*. Typically, these classes are viewed by tens of thousands of students and educators in North America, and we are hoping to also reach student audiences in Europe, Africa and Asia.

This year, the team will focus on assessing the biology of the wreck by taking water samples and having them analyzed by OceanGate's partner, eDNAtec (<https://ednatec.com/>).

The sampling data will be made publicly available, and plans are to work with iAtlantic (<https://www.iatlantic.eu/>) for the long-term storage and distribution of the environmental DNA data and ARCGIS referenced material that is collected. The attached science plan describes the science mission and lead participants in detail.

OceanGate would like to express its appreciation to the Court for the difficult job it is doing in overseeing the competing interests in the *R.M.S. Titanic*. The public seems to have a never-ending fascination with the *Titanic*, and we believe it is important to keep visiting the wreck site to document it and share this information with the world.

If you would like any further information, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink that reads "David G. Concannon". The signature is fluid and cursive, with the first name "David" being the most prominent.

David G. Concannon

cc: All counsel (via ECF)